

BPS-73
December 16, 2005

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

No. **05-4017**

UNITED STATES OF AMERICA

VS.

STEVEN M. TIELSCH,
Appellant

(WD/PA Criminal No. 00-cr-00196)
Criminal Treated as Civil

Present: RENDELL, AMBRO and BECKER, Circuit Judges.

Submitted is appellant's request for a certificate of appealability under 28 U.S.C. § 2253(c)(1); in the above-captioned case.

Respectfully,

Clerk

MMW/TRA/zm/arl

ORDER

The foregoing application for a certificate of appealability is denied because Tielsch has not made a substantial showing of the denial of a constitutional right. See 28 U.S.C. § 2253. Jurists of reason would not find it debatable whether the District Court was correct in determining that Tielsch's claim that the government breached his plea agreement is procedurally barred. See Slack v. McDaniel, 529 U.S. 473, 484 (2000). Also, jurists of reason would not debate whether his claims of ineffective assistance of counsel state a valid claim for the denial of a constitutional right. See Miller-El v. Cockrell, 537 U.S. 322, 338 (2003) (citing Slack, 529 U.S. at 484). Similarly, reasonable jurists would not debate the determination that Tielsch's claim that the District Court imposed an "extraordinary sentence" was procedurally barred in part, and otherwise failed to state a valid claim for denial of a constitutional right.

By the Court,

/s/ Marjorie O. Rendell
Circuit Judge



Dated: December 28, 2005 *Marcia M. Waldron*
ARL/cc: SMT; LSI

Marcia M. Waldron, Clerk